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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/523,905	01/28/2005	Manabu Kayamori	37504	8229
116	7590	07/13/2006	EXAMINER	
PEARNE & GORDON LLP			AU, GARY	
1801 EAST 9TH STREET				
SUITE 1200			ART UNIT	PAPER NUMBER
CLEVELAND, OH 44114-3108			2617	

DATE MAILED: 07/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/523,905	KAYAMORI, MANABU
	Examiner	Art Unit
	Gary Au	2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 25 April 2006.

2a)  This action is **FINAL**.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

4)  Claim(s) 1-5 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 1-5 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892) 4)  Interview Summary (PTO-413)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948) Paper No(s)/Mail Date. \_\_\_\_.  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date. \_\_\_\_.  
5)  Notice of Informal Patent Application (PTO-152)  
6)  Other: \_\_\_\_.

## DETAILED ACTION

1. The Art Unit location of your application in the USPTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Art Unit 2617.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1 and 2 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent No. 6,418,330 (Lee).

Considering claim 1, Lee teaches a portable telephone comprising: a sound picking up unit for picking-up external sound (ring tone input device 340 – figure 3, col. 3 lines 55-57); an audio encoding unit for encoding an audio signal of the external sound picked up by the sound picking up unit to audio data (controller 320 – figure 3, col. 3 lines 58-61); an encoded data storing unit for storing the audio data encoded by the audio encoding unit (ring tone storage 350 – figure 3, col. 4 lines 4-6); inherently teaches an audio decoding unit for decoding the audio data stored in the encoded data storing unit to the audio signal (col. 4 lines 6-9, where the ring tone generator has to decode the signal); a call receiving sound output unit for outputting the audio signal decoded by the audio decoding unit as a call receiving sound (ring tone generator 360 –

figure 3, col. 4 lines 6-9); and a communication control unit (controller 320 – figure 3, col. 3 lines 36-40) for switching a base station, wherein the function of the audio decoding unit is provided in another circuit block that does not depend on the operation of a circuit block functioning as the communication control unit (col. 4 lines 20-35).

Considering claim 2, Lee teaches a portable telephone comprising: an audio recording unit for recording an audio signal of a partner to talk with (ring tone input device 340 – figure 3, col. 3 lines 55-57); an audio encoding unit for encoding the audio signal recorded by the audio recording unit to audio data (controller 320 – figure 3, col. 3 lines 58-61); an encoded data storing unit for storing the audio data encoded by the audio encoding unit (ring tone storage 350 – figure 3, col. 4 lines 4-6); inherently teaches an audio decoding unit for decoding the audio data stored in the encoded data storing unit to the audio signal (col. 4 lines 6-9, where the ring tone generator has to decode the signal); a call receiving sound output for outputting the audio signal decoded by the audio decoding unit as a call receiving sound (ring tone generator 360 – figure 3, col. 4 lines 6-9); and a communication control unit (controller 320 – figure 3, col. 3 lines 36-40) for switching a base station, wherein the function of the audio decoding unit is provided in another circuit block that does not depend on the operation of a circuit block functioning as the communication control unit (col. 4 lines 20-35).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 6,418,330 (Lee) as applied to claims 1 and 2 above, and further in view of US Patent No. 6,768,914 (Garey).

As to claim 3, Lee teaches the audio encoding/decoding unit but fails to disclose that it is an ADPCM system.

In an analogous art, Garey teaches that the audio encoding/decoding unit is an ADPCM system (col. 6 lines 9-35).

Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify Lee's system to include an ADPCM system, as taught by Garey, for the advantage of reducing time and bandwidth required for transmission (col. 6 lines 9-35).

6. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 6,418,330 (Lee) as applied to claims 1 and 2 above, and further in view of US Patent No. 6,535,111 (Tsai).

As to claim 4, Lee teaches the system above but fails to disclose a noise component removing unit.

In an analogous art, teaches noise removal (col. 2 lines 10-20).

Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify Lee's system to include noise removal, as taught by Tsai, for the advantage of removing unwanted noise.

7. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 6,418,330 (Lee) as applied to claims 1 and 2 above, and further in view of US Patent No. 6,308,086 (Yoshino).

As to claim 5, Lee teaches the system above but fails to disclose a musical scale adjusting unit.

In an analogous art, Yoshino teaches a musical scale adjusting unit (col. 4 lines 20-44).

Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify Lee's system to include a musical scale adjusting unit, as taught by Yoshino, for the advantage of letting the user select (col. 4 lines 45-50).

### ***Conclusion***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary Au whose telephone number is (571) 272-2822. The examiner can normally be reached on 8am-5pm Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester Kincaid can be reached on (571) 272-7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

GA



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SUPERVISORY PRIMARY EXAMINER